UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:22-cv-00158-MOC-WCM

AMERICAN SAFETY UTILITY CORPORATION,)
Plaintiff,)
vs.) ORDER
STATE AUTO PROPERTY AND CASUALTY INSURANCE COMPANY)))
Defendant.)))

THIS MATTER is before the court on Plaintiff's Unopposed Motion for a Voluntary Dismissal Without Prejudice. (Doc. No. 14). "A plaintiff's motion to voluntarily dismiss a claim should not be denied absent plain legal prejudice to the defendant." Ellett Bros., Inc. v. U.S. Fidelity & Guar. Co., 275 F.3d 384, 388 (4th Cir. 2001). Here, Plaintiff has conferred with Defendant, and Defendant does not oppose the motion to dismiss without prejudice. Therefore, pursuant to Federal Rule of Civil Procedure 41(a)(2), this Court will grant the motion.

ORDER

IT IS, THEREFORE, ORDERED that plaintiffs' Unopposed Motion for a Voluntary Dismissal Without Prejudice (Doc. No. 14) is **GRANTED** and accordingly this case is **DISMISSED** without prejudice. This case is **TERMINATED** and the parties shall bear their own costs.

Max O. Cogburn Jr United States District Judge